

REMARKS

Reconsideration and allowance in view of the foregoing amendments and following remarks are respectfully requested.

Claims 1-18 and 20 are pending in the application. Applicant has amended claims 1 and 10 to clarify the intended meaning. All other amendments are to correct minor informalities and/or obvious clerical errors.

The Examiner objected to claims 1, 10 and 20 for specified informalities. Applicant thanks the Examiner for pointing out these informalities and has amended claims 1, 10 and 20 as suggested.

The Examiner rejected claims 1-18 and 20 under 35 USC § 102(b) as being anticipated by Lortz et al. (USP 5,722,709). Applicants respectfully traverse this rejection for at least the following reasons. Lortz et al. is directed to a separation device that uses a shape memory alloy retainer that changes shape upon a change of temperature of the retainer. This is described throughout the Lortz et al. reference and in all of the described embodiments. For example, in the embodiment of Figure 1, Lortz et al. describe an electrical heater 20 that heats the retainer 16 which is formed from a shape memory alloy. Consequently, Lortz et al. is unrelated to the current invention as originally claimed. In particular, independent claims 1 and 10 recite "said operating temperature being above the martensite-austenite transition temperature for said pseudo-elastic material". Applicants have also amended claims 1 and 10 to clarify the intended meaning. Applicants respectfully submit that Lortz et al. says nothing about "an engagement mechanism that provides reversible contact of said indenter surface with said engagement surface and provides for the application of sufficient stress to said engagement surface to provide reversible conversion of said engagement surface from said unstressed shape to said stressed shape while said operating temperature remains above said martensite-austenite transition temperature" and a similar recitation in claim 10. Therefore, Applicant respectfully submits that base claims 1 and 10 and claims 2-9 and 11-18 and 20 dependent

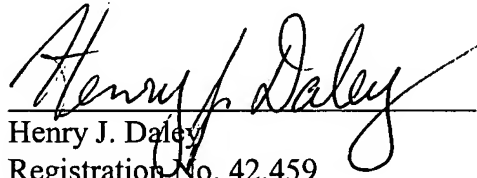
therefrom are in condition for allowance and request that the rejection under 35 USC § 102(b) be withdrawn.

Applicants have addressed all of the Examiner's objections and rejections and respectfully submit that the application is now in condition for allowance.

Applicant's representative encourages the Examiner to contact him at the below-listed number if it may help expedite the prosecution of this case.

Respectfully submitted,

Date: August 2, 2007

A handwritten signature in black ink, appearing to read "Henry J. Daley", is written over a horizontal line.

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